



STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
442 STATE CAPITOL
SALT LAKE CITY, UTAH 84114

DIVISION OF
WATER RIGHTS

HUBERT C. LAMBERT
STATE ENGINEER

February 8, 1968

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RE: Sevier River Distribution

TO DISTRIBUTION BELOW

At our meeting of January 25, 1968, the water users requested that we mail to each one present an insert of the discussion of the meeting and any policies and procedures that we may have set out.

Enclosed are the minutes as taken by Mr. Earl Staker of this office for your files. If there are any corrections or additions, would you please let us know that we can advise all those concerned and make the changes in our records.

Thank you for your cooperation.

Yours very truly,

Donald C. Norseth
Donald C. Norseth
DIRECTING HYDROLOGIC ENGINEER

DCN/ca

DISTRIBUTION LIST:

Hubert C. Lambert
B U I L D I N G

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B U I L D I N G

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Gerald Stoker
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Rex Larsen
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Gunnison, Utah 84634

Ken Chamberlain
76 South Main
Richfield, Utah 84701

W. J. Reid
Delta, Utah 84624

Oswald Johnson
Delta, Utah 84624

Harold Skeem
Delta, Utah 84624

Q. T. Shepherd
Delta, Utah 84624

Thorpe Waddingham
372 West Main
Delta, Utah 84624

MINUTES OF MEETING AT RICHFIELD

State Engineer and the Central and Lower
Water Users of the Sevier River

Thursday, January 25, 1968

Meeting convened at 1:00 p.m. Mr. Hubert C. Lambert, State Engineer, conducted.

The meeting was called to order by Mr. Hubert C. Lambert upon finding that many users were still not present. The meeting was opened for discussion of matters on a general basis.

COMMISSIONERS' SALARIES

Mr. Thorpe Waddingham raised the question of who sets the salary for the Commissioners; the State Engineer or the Sevier River Water User's Committee. Mr. Lambert explained that the State Engineer usually acts on the committee's recommendation if it is within reason.

Mr. Waddingham's clients feel that the commissioners' salaries should be equal and he will submit a letter to his representative on the committee to be read at the annual meeting stating his clients' feelings and recommendations as to the commissioners' salaries.

CENTRAL UTAH PROJECT WATER

Mr. Waddingham brought up the subject of bringing Central Utah Project water into the Sevier River Basin. He pointed out that any water that is allocated to the Sevier River Basin must be done so by exchange and certain adjustments of existing water rights and that the water users must get together on these issues and have them resolved without court action or they may lose their chance of acquiring Central Utah Project water. He also pointed out that the whole river system will be required to have proper measuring devices installed in order to make this exchange.

Mr. Lambert confirmed Mr. Waddingham's statement that it is the responsibility of the State Engineer's Office to see that adequate measuring devices are installed and this is done at the expense of the water users.

Mr. Waddingham indicated that the Lower users on the Sevier River, through their conservancy district, are ready and willing to expend funds for an inventory of the existing measuring devices on the system. They would like to have an inventory compiled in cooperation with the water commissioners and the State Engineer's Office and have the State Engineer's Office enforce the installation of the necessary devices.

Mr. Lambert assigned three members of his office the duty of assisting and working with the commissioners in making the inventory; Mr. Gerald Stoker, Upper section; Mr. Earl M. Staker, Central section; and Mr. Rex Larsen, Lower section. The inventory should be submitted as soon as possible.

DISTRIBUTION OF WINTER WATER

Upon the arrival of Mr. Conrad Frischknecht, representing the Piute Reservoir and Irrigation Company, the parties who requested the meeting, the meeting was then turned over to Mr. Frischknecht to discuss his problem.

Mr. Frischknecht stated that the main concern was that the Cox Decree was not being properly administered in the case of the winter stock and domestic water rights. He indicated that he and his people were aware that in many cases the Decree was not specific as to the period of use and nature of use. He pointed out the fact that some water users have facilities to return the water to the River during the winter use period and that some water users have no facilities whatsoever. His company feels that the Cox Decree should be enforced and that provisions to return the water back to the River should be made and maintained by each water user or company.

Mr. Lambert indicated that the following steps should be followed to alleviate this problem:

1. To have the water users who feel like they are being damaged by the use of the winter water as it exists today, point out each specific instance of the poor management of the winter water or where the winter water is not being properly administered.
2. The State Engineer's Office would hold hearings on each case, allowing both parties to have their say in the matter.
3. After hearings have been held, the State Engineer's Office would make an appealable decision on each specific case.

Mr. Waddingham questions the procedure in this matter, because he feels that the Commissioners, with the help of the State Engineer's Office could point out specific instances of poor management of the winter water.

Mr. Lambert then decided that we would proceed on the winter water problem in the following manner:

1. The Area Engineers, as assigned to make the measuring device inventory, will work with the Commissioners to prepare a report within 30 days, of all winter use and the existing facilities for returning the water back to the Sevier River, and submit a report to Mr. Donald C. Norseth and in return Mr. Norseth will send the list to the water users for review.
2. The State Engineer would then call a hearing and make specific recommendations as to changes necessary for proper handling of winter water.

Mr. Keith Christensen, Upper Commissioner, indicated that he felt that the winter water problem was mostly below Piute Reservoir because he has checked the ones above and they, in the past years, appeared not to be abusing this right.

Mr. Roger Walker analyzed that the situation was a result of no enforcement, and the water users using the domestic and stock rights were not restricting their winter use to stock and domestic use.

Mr. Frischknecht summed up the situation and stated that he wants to be sure that the users use the water for the purpose decreed and that they have the facilities to return the water to the River.

ADMINISTRATIVE PROCEDURES

Mr. Waddingham asked the question, "What does the Commissioner do when he finds a violation of the Decree?"

Mr. Lambert indicated that the commissioner should contact our Area Offices for immediate help on smaller violations and the Area Office will then, if necessary, contact Salt Lake for additional help. The Area Engineer will make records of all violations by memo to Salt Lake Office and they will send copies to the people involved. Everyone will be notified by the Salt Lake Office of any action to be taken.

Mr. Ken Chamberlain, attorney for Piute Reservoir & Irrigation Company, asked that we circulate minutes to all parties involved so that they will know our administrative procedure.

Mr. Lambert indicated he would do so.

STORAGE RELEASES FROM PIUTE RESERVOIR

Mr. Waddingham asked the next question, "What is the procedure of releasing Sevier Bridge storage water out of Piute Reservoir?" He indicated that the State Engineer should review the facts and set up a program of releases according to the 1938 Agreement and continue the study of reviewing every few weeks to make necessary adjustments as the weather conditions change.

Mr. Lambert stated that until this problem could be stabilized by administrative procedures, Donald C. Norseth, Earl Staker, Roger Walker, and Keith Christensen must get together to ascertain the facts and then Earl Staker would direct the commissioners on how and when to make the storage releases. Mr. Staker was also directed to submit a report to the users with facts and figures to substantiate the releases as directed.

A TO L PROPOSED DISTRIBUTION

The proposed agreement prepared by the water commissioners regarding A to L use and regulation water was discussed and all agreed to try it on a three-year basis with annual reviews. Discussion of the agreement was as follows:

1. Mr. Waddingham stated that the clients he represents, or the Lower water users, are in agreement with the proposal and the trial period of one year on the distribution proposal of the A to L rights.

**Minutes of Meeting with Central & Lower
Sevier River Water Users**

January 25, 1968
Page 4

2. Mr. Chamberlain indicated that his clients, the Piute Reservoir & Irrigation Company, want to run the trial period for three years to acquire a better test and better records.
3. Mr. Lambert indicated that he felt we should have a yearly report but that we should operate for a three-year trial period with a yearly review.
4. Mr. Waddingham stated that he would recommend to his clients to go along with this proposal of a three-year trial period with a yearly review.
5. Mr. Chamberlain stated that his clients would not want to make any adjustments or decisions after only one year of operation.
6. Mr. Waddingham indicated that this would not be the case.
7. Both Commissioners agreed that the water passing over Vermillion Dam should be compared with the releases from Piute Reservoir the day before to compensate for the time lag involved.
8. Mr. Frischknecht indicated that the Piute Reservoir & Irrigation Company felt that any arrangements made on the A to L situation should only be temporary.

There being no further business, the meeting adjourned and the names of those present are listed below:

<u>NAME</u>	<u>POSITION AND/OR ORGANIZATION REPRESENTING</u>
Hubert C. Lambert	State Engineer, Div. of Water Rights
Dallin W. Jensen	Attorney General's Office
Donald C. Norseth	Distribution Engr., Div. of Water Rights
Earl M. Staker	Area Engineer, Div. of Water Rights
Keith Christensen	Sevier River Commissioner
Roger Walker	Sevier River Commissioner
Clair Coates	Westview Company
George W. Nielson	Sevier Valley Canal
Ted Burr	Piute Res. & Irrigation Company
Clifford A. Magleby	Piute Res. & Irrigation Company
Byron Jensen	Piute Res. & Irrigation Company
Wesley Johnson	Piute Res. & Irrigation Company
Conrad Frischknecht	Piute Res. & Irrigation Company
Ken Chamberlain	Atty, Piute Res. & Irr. Company
W. J. Reid	Abraham Irrigation Company
Oswald Johnson	Delta Canal Company
Harold Skorn	Deseret Irrigation Company
Q. T. Shepherd	Melville Irrigation Company
Thorpe Waddingham	Abraham, Deseret, Delta, and Melville Cos.